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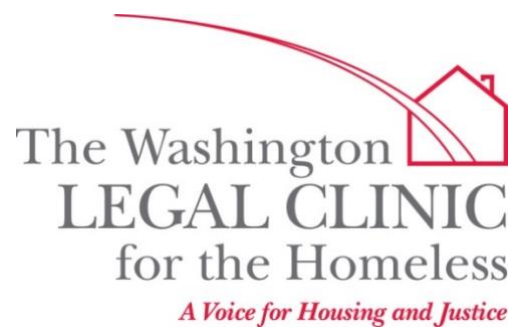
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Testimony before the National Capital Planning Commission, Review of the Comprehensive Plan for the National Capital District Elements Comprehensive Plan Amendment Act of 2021

Katie Whitley
July 1, 2021

The Legal Clinic envisions – and since 1987 has worked towards – a just and inclusive community for all residents of the District of Columbia, where housing is a human right and where every individual and family has equal access to the resources they need to thrive.

The Council Office of Racial Equity reported that the mayor's submitted Environmental Assessment is incomplete and non-exhaustive. To pass a large volume of amendments to the Comp Plan and planning maps, a thorough review is needed to ensure that inequities throughout the District are not exacerbated. We ask that the NCPC Commissioners send the Comprehensive Plan update back to the Council to do necessary impact studies and mitigation coordination. Without these studies it is not possible to make an informed decision on the impact of the updates on the federal government.

Simply put, the current five-page environmental assessment is grossly inadequate to analyze a project of this scope. Although NCPC does not have a National Environmental Policy Act (NEPA) responsibility, the NEPA regulations provide a baseline for the thoroughness needed for actions “significantly affecting the quality of the human environment.”¹ This updated Comp Plan, a 1,532-page document which responds to over 3,000 comments, significantly affects the quality of the human environment in the District and, consequently, the federal interests.

The NEPA regulations set page limits of 150 pages for environmental impact statements and 300 pages for proposals of unusual scope, such as this updated Comprehensive Plan.² In its most recent review, Council on Environmental Quality found that final environmental impact statements averaged 661 pages in length.³

Other jurisdictions also provide a guide for the thoroughness needed in an impact assessment to adequately evaluate a comprehensive plan. Seattle prepared an Environmental Impact Statement for its Comp Plan Update consisting of 992

¹ 42 U.S.C. § 4332(C) (2012).

² 40 C.F.R. §1502.7 (2020).

³ Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act 85 Fed Reg. 43304 (July 16, 2020).

pages.⁴ Atlanta prepared a 252-page Health Impact Assessment and Oklahoma City, 308.⁵ Even smaller jurisdictions prepare detailed impact assessments for their Comp Plans, such as population 48,000 St. Louis Park, Minnesota’s 50-page Health Impact Assessment.⁶

NEPA regulations, and similar regulations in nearly half of the states, detail the required contents of an environmental impact statement. Notably missing from the sparse environmental assessment of the Comp Plan are detailed statements on the “adverse environmental effects which cannot be avoided should the proposal be implemented; alternatives to the proposed actions; the relationship between local short-term uses of the human environment and the maintenance and enhancement of long-term productivity; and any irreversible or irretrievable commitments of resources which would be involved in the proposed action should it be implemented.”⁷

The level of detail required to thoroughly analyze a project of this size is clear and the current assessment is insufficient. As the Council Office of Racial Equity’s report on the Comprehensive Plan concluded, the mayor’s five-page environmental assessment “does not provide any thorough assessment, evaluation, analysis of data, project-based assessment, or critical analysis.”⁸

Without crucial impact studies on such large volume changes to the District Elements and planning maps, the Commission cannot come to a well-advised decision that there is no negative impact on the federal interests. More thorough studies must be completed to fully understand the impact on the interests and functions of the federal establishment in the National Capital.

We ask that the NCPC Commissioners use their authority to send this bill back to Council to require essential impact studies.

⁴ Environmental Impact Statement for the Seattle Comprehensive Plan Update, available at http://www.seattle.gov/Documents/Departments/OPCD/OngoingInitiatives/SeattleComprehensivePlan/SeattleCPFEIS2016_0505.pdf.

⁵ Atlanta Regional Plan 2040 Health Impact Assessment, available at https://www.pewtrusts.org/-/media/assets/2012/12/01/atl_plan2040_hia_fullreport.pdf; Oklahoma City Comprehensive Plan Health Impact Assessment, available at http://planokc.org/wp-content/uploads/2015/07/HIA_OklahomaCity_planokc.pdf.

⁶ St. Louis Park Comprehensive Plan Health Impact Assessment, available at <https://www.pewtrusts.org/~media/Assets/2011/11/01/StLouisParkComprehensivePlan.pdf>.

⁷ 43 C.F.R. § 46.415 (2020).

⁸ COUNCIL OFFICE OF RACIAL EQUITY (CORE), RACIAL EQUITY IMPACT ASSESSMENT COMPREHENSIVE PLAN AMENDMENT ACT OF 2020 26 (2021), available at <https://www.dcraciaequity.org/reia-database>.